THE COURT-FEES (BOMBAY AMENDMENT) ACT, 1954.

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BOMBAY ACT No. XII OF 1954.[1]

[THE COURT-FEES (BOMBAY AMENDMENT) ACT, 1954.]

[*11th March 1954*]

An Act to amend the Court-fees Act, 1870, in its application to the State of Bombay.

VII of 1870. WHEREAS it is expedient to amend the Court-fees Act, 1870, in its application to the State of Bombay, for the purposes hereinafter appearing; It is hereby enacted as follows :—

Short title, extent and commencement.

1. (*1*) This Act may be called the Court-fees (Bombay Amendment) Act, 1954.

(*2*) It extends to the whole of the State of Bombay.

(*3*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Further amendment of Act VII of 1870.

VII of 1870. **2.** The Court-fees Act, 1870, as amended from time to time in its application to the State of Bombay (hereinafter referred to as "the said Act") is in its application to the said State further amended in the manner hereinafter provided.

Deletion of section 4 of Act VII of 1870.

3. Section 4 of the said Act shall be deleted.

Amendment of heading of Chapter III of Act VII of 1870.

4. In Chapter III of the said Act, for the heading "FEES IN OTHER COURTS AND IN PUBLIC OFFICES", the heading "COMPUTATION OF FEES" shall be substituted.

Amendment of section 6 of Act VII of 1870.

5. (*1*) Section 6 of the said Act shall be re-numbered as sub-section (*1*) of the said section and in the said sub-section so renumbered, the words "Except in the Courts hereinbefore mentioned" shall be deleted and for the words "be paid" the words "has been paid" shall be substituted.

(*2*) After the said sub-section so renumbered, the following shall be added, namely :—

"(*2*) Where any difference arises between the officer whose duty it is to see that any fee is paid under this Act and any suitor or his pleader, as to the necessity of paying a fee on the amount thereof, the question shall, when the question arises in the High Court be referred to the taxing officer whose decision thereon shall be final, except when the question is, in his opinion, one of general importance in which case, he shall refer it to the final decision of the Chief Justice of the High Court or of such Judge of the High Court as the Chief Justice shall appoint either generally or specially in this behalf.

(*3*) When any such difference arises in the City Civil Court, Bombay, the question shall be referred to the Registrar of the City Civil Court except when the question is, in his opinion, one of general importance, in which case, he shall refer it to the final decision of the Principal Judge or such other judge of the said Court as the Principal Judge generally or specially appoints in this behalf.

(*4*) When such difference arises in any other Court, the question shall be referred to the final decision of the Judge presiding over such Court.

(*5*) Nothing in this section shall affect the provisions of the Presidency Small Cause Courts Act, 1882, in its application to the State of Bombay."

XV of 1882.

[1] For Statement of Objects and Reasons *see Bombay Government Gazette*, 1953, Part V, page 649.

Amendment of section 7 of Act VII of 1870.

6. In section 7 of the said Act,—

(*i*) clause (*b*) of paragraph (*iv*) shall be deleted;

(*ii*) in paragraph (*iv*), for the words, brackets and letter "with a minimum fee of rupees five in the case of suits falling under clause (*o*)" the following shall be substituted, namely :—

"subject to the provisions of section 8A with a minimum fee of rupees ten in the case of suits falling under clauses (*c*) to (*f*)";

(*iii*) after paragraph (*vi*) the following paragraph shall be inserted, namely :—

"(*vi-a*) In suits for partition and separate possession of a share of joint family property or of joint property, or to enforce a right to a share in any property on the ground that it is joint family property or joint property whether or not the plaintiff is in actual or constructive possession of the property of which he claims to be a co-parcener or co-owner, according to the value of the share in respect of which the suit is instituted."

Explanation.—For the purposes of this paragraph, if the property in which a share is claimed consists of or includes any land assessed to land revenue for the purpose of agriculture, the value of such land shall be deemed to be the value as determined under the proviso to sub-paragraph (*d*) of paragraph (*v*) of this section."

Insertion of new sections 8A to 8D in Act VII of 1870.

7. After section 8 of the said Act, the following sections shall be inserted namely :—

Inquiry as to valuation of suits.

"8A. If the Court is of opinion that the subject-matter of any suit has been wrongly valued it may revise the valuation and determine the correct valuation and may hold such inquiry as it thinks fit for such purpose.

Investigation to ascertain proper valuation.

8B. (*1*) For the purpose of an inquiry under section 8A the Court may depute, or issue a commission to, any suitable person to make such local or other investigation as may be necessary and to report thereon to the Court. Such report and any evidence recorded by such person shall be evidence in the inquiry.

(*2*) The Court may, from time to time, direct such party to the suit as it thinks fit to deposit such sum as the Court thinks reasonable as the costs of the inquiry, and if the costs are not deposited within such time as the Court shall fix, may, notwithstanding anything contained in any other Act, dismiss the suit if such party is the plaintiff or the appellant and, in any other case, may recover the costs as a public demand.

Power of persons making inquiry under sections 8A and 8B.

8C. (*1*) The Court, when making an inquiry under section 8A and any person making an investigation under section 8B shall have, respectively for the purposes of such inquiry or investigation, the powers vested in a Court under the Code of Civil Procedure, 1908, in respect of the following matters, namely :— V of 1908.

(*a*) enforcing the attendance of any person and examining him on oath or affirmation;

(*b*) compelling the production of documents or material objects; and

(*c*) issuing commissions for the examination of witnesses.

(2) An inquiry or investigation referred to in sub-section (*1*) shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code.

XLV of 1860.

8D. If in the result of an inquiry under section 8A the Court finds that the subject-matter of the suit has been undervalued the Court may order the party responsible for the undervaluation to pay all or any part of the costs of the inquiry. Costs of inquiry as to valuation and refund of excess fee.

If in the result of such inquiry the Court finds that the subject-matter of the suit has not been undervalued the Court may, in its discretion, order that all or any part of such costs shall be paid by Government or by any party to the suit at whose instance the inquiry has been undertaken, and if any amount exceeding the proper amount of fee has been paid shall refund the excess amount so paid."

8. Sections 9 and 10 of the said Act shall be deleted. Deletion of sections 9 and 10 of Act VII of 1870.

9. In section 19 of the said Act,— Amendment of section 19 of Act VII of 1870.

(*a*) after paragraph (*i*), the following paragraph shall be inserted, namely :—

"(*ii*) Application for certified copies of documents or for any other purpose in the course of a criminal proceeding presented by or on behalf of the State Government to a criminal Court." ;

(*b*) paragraphs (*xiv*), (*xv*), (*xix*) and (*xxiv*) shall be deleted.

10. In Chapter VI of the said Act, before section 33, the following section shall be inserted, namely :— Insertion of new section 31 in Act VII of 1870.

"31. (*1*) When any suit in a Court is settled by agreement of parties before issues have been settled or any evidence recorded, half the amount of the fee paid by the plaintiff on the plaint shall be repaid to him by the Court : Repayment of fee on plaint under certain circumstances.

Provided that no such fee shall be repaid if the amount of fee on the plaint does not exceed five rupees or the claim for repayment is not made within one year from the date on which the suit was settled by agreement.

(2) The State Government may, from time to time, by order, provide for repayment to the plaintiffs of any part of the fee paid on plaints by them in suits disposed of under such circumstances and subject to such conditions as may be specified in the order."

Amendment of Schedule I to Act VII of 1870.

11. In Schedule I to the said Act, for articles 1, 2, 6, 7, 8, 9 and 11 and table of *ad valorem* fees, the following shall, respectively, be substituted, namely :—

"*Ad valorem fees.*

Note.—If the fee calculated at the rate shown in the third column comes to a fraction of an anna, the proper fee payable shall be the round figure as shown in the Table of rates of *ad valorem fees* contained in the Schedule.

Number.	——	Proper fee.
1. Plaint, written statement pleading a set off or counter-claim or memorandum of appeal (not otherwise provided for in this Act) or of cross-objection presented to any Civil or Revenue Court.	When the amount or value of the subject-matter in dispute does not exceed five rupees.	Seven annas and six pies.
	When such amount or value exceeds five rupees, for every five rupees, or part thereof, in excess of five rupees, up to one hundred rupees.	Seven annas and six pies.
	When such amount or value exceeds one hundred rupees, for every ten rupees, or part thereof, in excess of one hundred rupees, up to one thousand rupees.	Fifteen annas.
	When such amount or value exceeds one thousand rupees, for every one hundred rupees, or part thereof, in excess of one thousand rupees, up to five thousand rupees.	Six rupees four annas.
	When such amount or value exceeds five thousand rupees, for every two hundred and fifty rupees, or part thereof, in excess of five thousand rupees, up to ten thousand rupees.	Eighteen rupees twelve annas.
	When such amount or value exceeds ten thousand rupees, for every five hundred rupees, or part thereof, in excess of ten thousand rupees, up to twenty thousand rupees.	Twenty-eight rupees two annas.
	When such amount or value exceeds twenty thousand rupees, for every one thousand rupees, or part thereof, in excess of twenty thousand rupees, up to thirty thousand rupees.	Thirty-seven rupees eight annas.
	When such amount or value exceeds thirty thousand rupees, for every two thousand rupees, or part thereof, in excess of thirty thousand rupees, up to fifty thousand rupees.	Thirty-seven rupees eight annas.
	When such amount or value exceeds fifty thousand rupees, for every five thousand rupees, or part thereof, in excess of fifty thousand rupees:	Thirty-seven rupees eight annas.
	Provided that the maximum fee leviable on a plaint or memorandum of appeal shall be twelve thousand and five hundred rupees.	

Ad valorem fees—contd.

Number.		Proper fee.
2. Plaint in a suit for possession under the Specific Relief Act, 1877, section 9. (I of 1877.)	....	A fee of one half the amount prescribed in the foregoing scale.
6. Copy or translation of a judgment or order not being, or having the force of a decree.	....	One rupee.
7. Copy of a decree or order having the force of a decree.	When such decree or order is made by any Civil Court other than a High Court, or by any Revenue Court.	Two rupees.
	When such decree or order is made by a High Court.	Five rupees.
8. Copy of any document liable to stamp-duty under the Indian Stamp Act, 1899, when left by any party to a suit or proceeding in place of the original withdrawn. (II of 1899.)	(*a*) When the stamp-duty chargeable on the original does not exceed one rupee.	The amount of the duty chargeable on the original.
	(*b*) In any other case ..	One rupee four annas.
9. Copy of any revenue or judicial proceeding or order not otherwise provided for by this Act, or copy of any account, statement, report or the like, taken out of any Civil or Criminal or Revenue Court or Office, or from the office of any chief officer charged with the executive administration of a division.	For every three hundred and sixty words or fraction of three hundred and sixty words.	Ten annas.
11. Probate of a will or letters of administration with or without will annexed.	When the amount or value of the property in respect of which the grant of probate or letters is made exceeds one thousand rupees, on the part of the amount or value in excess of one thousand rupees, up to ten thousand rupees.	Two and a half per centum.
	When the amount or value of the property in respect of which the grant of probate or letters is made exceeds ten thousand rupees, on the part of the amount or value in excess of ten thousand rupees, up to fifty thousand rupees.	Three and three quarters per centum.
	When the amount or value of the property in respect of which the grant of probate or letters is made exceeds fifty thousand rupees, on the part of the amount or value in excess of fifty thousand rupees, up to one lakh of rupees.	Five per centum.
	When the amount or value of the property in respect of which the grant of probate or letters is made exceeds one lakh of rupees, on the part of the amount or value in excess of one lakh of rupees, up to two lakhs of rupees.	Five and five-eighths per centum.

Ad valorem fees—concld.

Number.	——	Proper fee.
	When the amount or value of the property in respect of which the grant of probate or letters is made exceeds two lakhs of rupees, on the part of the amount or value in excess of two lakhs of rupees, up to two lakhs and fifty thousand rupees.	Six and a quarter per centum.
	When the amount or value of the property in respect of which the grant of probate or letters is made exceeds two lakhs and fifty thousand rupees, on the part of the amount or value in excess of two lakhs and fifty thousand rupees, up to three lakhs of rupees.	Six and seven-eighths per centum.
	When the amount or value of the property in respect of which the grant of probate or letters is made exceeds three lakhs of rupees, on the part of the amount or value in excess of three lakhs of rupees, up to four lakhs of rupees.	Seven and a half per centum.
	When the amount or value of the property in respect of which the grant of probate or letters is made exceeds four lakhs of rupees, on the part of the amount or value in excess of four lakhs of rupees, up to five lakhs of rupees.	Eight and one-eighth per centum.
	When the amount or value of the property in respect of which the grant of probate or letters is made exceeds five lakhs of rupees, on the part of the amount or value in excess of five lakhs of rupees :	Eight and three quarters per centum.
	Provided that when, after the grant of a certificate under Part X of the Indian Succession Act, 1925, or under Bombay Regulation VIII of 1827, in respect of any property included in an estate, a grant of probate or letters of administration is made in respect of the same estate, the fee payable in respect of the latter grant shall be reduced by the amount of the fee paid in respect of the former grant.	XXXIX of 1925.

Table of rates of ad valorem *fees leviable on the institution of suits.*

When the amount or value of the subject-matter exceeds—	But does not exceed—	Proper fee.	When the amount or value of the subject-matter exceeds—	But does not exceed—	Proper fee.
Rs.	Rs.	Rs. a.	Rs.	Rs.	Rs. a.
...	5	0 8	380	390	36 9
5	10	0 15	390	400	37 8
10	15	1 7	400	410	38 7
15	20	1 14	410	420	39 6
20	25	2 6	420	430	40 5
25	30	2 13	430	440	41 4
30	35	3 5	440	450	42 3
35	40	3 12	450	460	43 2
40	45	4 4	460	470	44 1
45	50	4 11	470	480	45 0
50	55	5 3	480	490	45 15
55	60	5 10	490	500	46 14
60	65	6 2	500	510	47 13
65	70	6 9	510	520	48 12
70	75	7 1	520	530	49 11
75	80	7 8	530	540	50 10
80	85	8 0	540	550	51 9
85	90	8 7	550	560	52 8
90	95	8 15	560	570	53 7
95	100	9 6	570	580	54 6
100	110	10 5	580	590	55 5
110	120	11 4	590	600	56 4
120	130	12 3	600	610	57 3
130	140	13 2	610	620	58 2
140	150	14 1	620	630	59 1
150	160	15 0	630	640	60 0
160	170	15 15	640	650	60 15
170	180	16 14	650	660	61 14
180	190	17 13	660	670	62 13
190	200	18 12	670	680	63 12
200	210	19 11	680	690	64 11
210	220	20 10	690	700	65 10
220	230	21 9	700	710	66 9
230	240	22 8	710	720	67 8
240	250	23 7	720	730	68 7
250	260	24 6	730	740	69 6
260	270	25 5	740	750	70 5
270	280	26 4	750	760	71 4
280	290	27 3	760	770	72 3
290	300	28 2	770	780	73 2
300	310	29 1	780	790	74 1
310	320	30 0	790	800	75 0
320	330	30 15	800	810	75 15
330	340	31 14	810	820	76 14
340	350	32 13	820	830	77 13
350	360	33 12	830	840	78 12
360	370	34 11	840	850	79 11
370	380	35 10	850	860	80 10

Table of rates of ad valorem *fees, etc.*—contd.

When the amount or value of the subject-matter exceeds—	But does not exceed—	Proper fee.	When the amount or value of the subject-matter exceeds—	But does not exceed—	Proper fee.
Rs.	Rs.	Rs. a.	Rs.	Rs.	Rs. a.
860	870	81 9	4,400	4,500	312 8
870	880	82 8	4,500	4,600	318 12
880	890	83 7	4,600	4,700	325 0
890	900	84 6	4,700	4,800	331 4
900	910	85 5	4,800	4,900	337 8
910	920	86 4	4,900	5,000	343 12
920	930	87 3	5,000	5,250	362 8
930	940	88 2	5,250	5,500	381 4
940	950	89 1	5,500	5,750	400 0
950	960	90 0	5,750	6,000	418 12
960	970	90 15	6,000	6,250	437 8
970	980	91 14	6,250	6,500	456 4
980	990	92 13	6,500	6,750	475 0
990	1,000	93 12	6,750	7,000	493 12
1,000	1,100	100 0	7,000	7,250	512 8
1,100	1,200	106 4	7,250	7,500	531 4
1,200	1,300	112 8	7,500	7,750	550 0
1,300	1,400	118 12	7,750	8,000	568 12
1,400	1,500	125 0	8,000	8,250	587 8
1,500	1,600	131 4	8,250	8,500	606 4
1,600	1,700	137 8	8,500	8,750	625 0
1,700	1,800	143 12	8,750	9,000	643 12
1,800	1,900	150 0	9,000	9,250	662 8
1,900	2,000	156 4	9,250	9,500	681 4
2,000	2,100	162 8	9,500	9,750	700 0
2,100	2,200	168 12	9,750	10,000	718 12
2,200	2,300	175 0	10,000	10,500	746 14
2,300	2,400	181 4	10,500	11,000	775 0
2,400	2,500	187 8	11,000	11,500	803 2
2,500	2,600	193 12	11,500	12,000	831 4
2,600	2,700	200 0	12,000	12,500	859 6
2,700	2,800	206 4	12,500	13,000	887 8
2,800	2,900	212 8	13,000	13,500	915 10
2,900	3,000	218 12	13,500	14,000	943 12
3,000	3,100	225 0	14,000	14,500	971 14
3,100	3,200	231 4	14,500	15,000	1,000 0
3,200	3,300	237 8	15,000	15,500	1,028 2
3,300	3,400	243 12	15,500	16,000	1,056 4
3,400	3,500	250 0	16,000	16,500	1,084 6
3,500	3,600	256 4	16,500	17,000	1,112 8
3,600	3,700	262 8	17,000	17,500	1,140 10
3,700	3,800	268 12	17,500	18,000	1,168 12
3,800	3,900	275 0	18,000	18,500	1,196 14
3,900	4,000	281 4	18,500	19,000	1,225 0
4,000	4,100	287 8	19,000	19,500	1,253 2
4,100	4,200	293 12	19,500	20,000	1,281 4
4,200	4,300	300 0	20,000	21,000	1,312 12
4,300	4,400	306 4	21,000	22,000	1,356 4

Table of rates of ad valorem *fees, etc.*—concld.

When the amount or value of the subject-matter exceeds—	But does not exceed—	Proper fee.	When the amount or value of the subject-matter exceeds—	But does not exceed—	Proper fee.
Rs.	Rs.	Rs. a.	Rs.	Rs.	Rs. a.
22,000	23,000	1,393 12	32,000	34,000	1,731 4
23,000	24,000	1,431 4	34,000	36,000	1,768 12
24,000	25,000	1,468 12	36,000	38,000	1,806 4
25,000	26,000	1,506 4	38,000	40,000	1,843 12
26,000	27,000	1,543 12	40,000	42,000	1,881 4
27,000	28,000	1,581 4	42,000	44,000	1,918 12
28,000	29,000	1,618 12	44,000	46,000	1,956 4
29,000	30,000	1,656 4	46,000	48,000	1,993 12
30,000	32,000	1,693 12	48,000	50,000	2,031 4

and the fee increases at the rate of thirty-seven rupees eight annas for every five thousand rupees, or part thereof, up to a maximum of twelve thousand and five hundred rupees, for example—

Rs.	Rs. a.	Rs.	Rs. a.
1,00,000	2,406 4	9,00,000	8,406 4
2,00,000	3,156 4	10,00,000	9,156 4
3,00,000	3,906 4	11,00,000	9,906 4
4,00,000	4,656 4	12,00,000	10,656 4
5,00,000	5,406 4	13,00,000	11,406 4
6,00,000	6,156 4	14,00,000	12,156 4
7,00,000	6,906 4	15,00,000	12,500 0
8,00,000	7,656 4		

Amendment of Schedule II to Act VII of 1870.

12. In Schedule II to the said Act, for articles 1 to 7 and articles 16 to 21, the following articles shall be substituted, namely :—

" *Fixed fees.*

Number.	——	Proper fee.	
1. Application or petition ..	(*a*) When presented to any officer of the Customs or Excise Department or to any Magistrate by any person having dealings with the Government, and when the subject-matter of such application relates exclusively to those dealings ;	Three annas.	
	or when presented to any officer of land-revenue by any person holding temporarily settled land under direct engagement with Government, and when the subject-matter of the application or petition relates exclusively to such engagement ;		
	or when presented to any Municipal Commissioner under any Act for the time being in force for the conservancy or improvement of any place, if the application or petition relates solely to such conservancy or improvement ;		
	or when presented to any Civil Court other than a principal Civil Court of original jurisdiction, or to any Court of Small Causes constituted under the Provincial Small Causes Courts Act, 1887, or to a Collector or other officer of revenue or to a public officer in relation to any suit or case in which the amount or value of the subject-matter is less than fifty rupees, not being an application for assistance under section 86 of the Bombay Land Revenue Code, 1879 ;		IX of 1887. Bom. V of 1879.
	or when presented to any Civil, Criminal or Revenue Court, or to any Board or executive officer for the purpose of obtaining a copy or translation of any judgment, decree or order passed by such Court, Board or officer, or of any other document on record in such Court or office.		
	(*aa*) When presented to a Collector or other officer of revenue for assistance under section 86 of the Bombay Land Revenue Code, 1879 ;	Five annas.	Bom V of 1879.
	(*b*) When containing a complaint or charge of any offence other than an offence for which police officers may, under the Criminal Procedure Code, 1898, arrest without warrant, and presented to any Criminal Court ;	Ten annas.	V of 1898.

Fixed fees—contd.

Number.	—.	Proper fee.
	or when presented to a Civil, Criminal or Revenue Court, or to a Collector, or any Revenue officer or to a public officer having jurisdiction equal or subordinate to a Collector, or to any Magistrate in his executive capacity and not otherwise provided for by this Act; or to deposit in Court revenue or rent; or for determination by a Court of the amount of compensation to be paid by a landlord to his tenant.	
	(*bb*) When presented to any competent authority for the purpose of obtaining a certificate of domicile.	One rupee.
	(*c*) When presented to a Chief Controlling Revenue or Executive Authority, or to a Commissioner of Revenue or Circuit, or to any chief officer charged with the executive administration of a division and not otherwise provided for by this Act.	Two rupees eight annas.
I of 1877.	(*d*) When presented to a High Court— (*i*) under section 45 of the Specific Relief Act, 1877 or for directions, orders or writs under article 226 of the Constitution.	Ten rupees.
	(*ii*) in any other case ..	Five rupees.
1A. Application to any Civil Court that records may be called for from another Court.	When the Court grants the application and is of opinion that the transmission of such records involves the use of the post.	Fifteen annas in addition to any fee levied on the application under clause (*a*), clause (*b*) or clause (*d*) of Article 1 of the Schedule.
1B. First application (other than a petition containing a criminal charge or information) for the summons of a witness or other person to attend either to give evidence or to produce a document, or in respect of the production or filing of an exhibit not being an affidavit made for the immediate purpose of being produced in Court.	.. ..	Eight annas.
2. Application for leave to sue as a pauper.	.. ..	Ten annas.
3. Application for leave to appeal as a pauper.	(*a*) When presented to a District Court ..	One rupee four annas.
	(*b*) When presented to a Commissioner or a High Court.	Two rupees eight annas.

Fixed fees—contd.

	Number.	——	Proper fee.
XXI of 1866.	14. Petition in a suit under the Native Converts' Marriage Dissolution Act, 1866.	.....	Twelve rupees eight annas.
	17. Plaint or memorandum of appeal in each of the following suits :—		
	[1][(*i*) to alter or set aside a summary decision or order of any of the Civil Courts not established by Letters Patent or of any Revenue Court.	When the amount or value of the property involved does not exceed five hundred rupees.	Twelve rupees eight annas.
	(*ii*) to alter or cancel any entry in a register of the names of proprietors of revenue-paying estates ; and	When the amount or value of the property involved exceeds five hundred rupees.	Eighteen rupees twelve annas.]
	(*iii*) to obtain a declaratory decree or order, where no consequential relief is prayed ;	.....	Eighteen rupees twelve annas.
	(*iv*) to set aside alienation ;	.....	Eighteen rupees twelve annas.
	(*v*) to set aside a decree or award ;	When the amount or value of the property involved does not exceed five hundred rupees.	Twelve rupees eight annas.
		When the amount or value of the property involved exceeds five hundred rupees.	Eighteen rupees twelve annas.
	(*vi*) to set aside an adoption ; and	.....	Thirty rupees.
	(*vii*) any other suit where it is not possible to estimate at a money value the subject-matter in dispute, and which is not otherwise provided for by this Act.	.....	Thirty rupees.
	18. Application—		
X of 1940.	[2][(*a*) under section 20 of the Arbitration Act, 1940 ;	.....	Twelve rupees eight annas.

[1] These clauses and the entries relating thereto were substituted for the original by Bom. 58 of 1954, s. 2, Schedule.

[2] This Clause was substituted for the original, *ibid.*

Fixed fees—contd.

Number.	—	Proper fee.	
4. Plaint or memorandum of appeal in a suit to obtain possession under the Mamlatdars' Courts Act, 1906.	....	Ten annas.	Bom. II of 1906.
5. Plaint or memorandum of appeal in a suit to establish or disprove a right of occupancy.	.....	Ten annas.	
6. Bail-bond or other instrument of obligation given in pursuance of an order made by a Court or Magistrate under any section of the Code of Criminal Procedure, 1898, or the Code of Civil Procedure, 1908, and not otherwise provided for by this Act.	.....	One rupee four annas.	V of 1898. V of 1908.
6A. Bail-bonds in criminal cases, recognizance to prosecute or give evidence and recognizances for personal appearance or otherwise.	.....	Four annas.	
7. Undertaking under section 49 of the Indian Divorce Act, 1869.	.....	One rupee four annas.	IV of 1869.
10. Mukhtarnama or Wakalatnama.	When presented for the conduct of any one case—		
	(*a*) to any Civil or Criminal Court other than a High Court, or to any Revenue Court, or to any Collector or Magistrate, or other executive officer;	Two rupees.	
	(*b*) to a High Court ...	Three rupees.	
11. Memorandum of appeal when the appeal is not from a decree or an order having the force of a decree, and is presented.	(*a*) to any Civil Court other than a High Court, or to any Revenue Court or Executive Officer other than the High Court or Chief Controlling Revenue or Executive Authority;	Ten annas.	
	(*b*) to a High Court or Chief Controlling Executive or Revenue Authority.	Two rupees eight annas.	
12. *Caveat* ...	When the amount or value of the property involved does not exceed two thousand rupees.	Six rupees four annas.	
	when the amount or value of the property involved exceeds two thousand rupees.	Twelve rupees eight annas.	
12A. Application for permission to cut timber in Government Forests, or otherwise relating to such forests.	(*a*) When the amount or value of the property exceeds fifty rupees, but does not exceed one hundred rupees.	Eight annas.	
	(*b*) When it exceeds one hundred rupees.	One rupee.	

Fixed fees—contd.

	Number.	—	Proper fee.
XXI of 1866.	14. Petition in a suit under the Native Converts' Marriage Dissolution Act, 1866.	.....	Twelve rupees eight annas.
	17. Plaint or memorandum of appeal in each of the following suits :—		
	[1][(*i*) to alter or set aside a summary decision or order of any of the Civil Courts not established by Letters Patent or of any Revenue Court.	When the amount or value of the property involved does not exceed five hundred rupees.	Twelve rupees eight annas.
	(*ii*) to alter or cancel any entry in a register of the names of proprietors of revenue-paying estates ; and	When the amount or value of the property involved exceeds five hundred rupees.	Eighteen rupees twelve annas.]
	(*iii*) to obtain a declaratory decree or order, where no consequential relief is prayed ;	.....	Eighteen rupees twelve annas.
	(*iv*) to set aside alienation ;	.....	Eighteen rupees twelve annas.
	(*v*) to set aside a decree or award ;	When the amount or value of the property involved does not exceed five hundred rupees.	Twelve rupees eight annas.
		When the amount or value of the property involved exceeds five hundred rupees.	Eighteen rupees twelve annas.
	(*vi*) to set aside an adoption ; and	.....	Thirty rupees.
	(*vii*) any other suit where it is not possible to estimate at a money value the subject-matter in dispute, and which is not otherwise provided for by this Act.	.....	Thirty rupees.
	18. Application—		
X of 1940.	[2][(*a*) under section 20 of the Arbitration Act, 1940 ;	.....	Twelve rupees eight annas.

[1] These clauses and the entries relating thereto were substituted for the original by Bom. 58 of 1954, s. 2, Schedule.

[2] This Clause was substituted for the original, *ibid.*

Fixed fees—concld.

Number.	—	Proper fee.	
(*b*) for probate or letters of administration or for revocation thereof under the Indian Succession Act, 1925;	When the amount or value of the estate does not exceed two thousand rupees.	Two rupees eight annas.	XXXIX of 1925.
	When it exceeds two thousand rupees, but does not exceed five thousand rupees.	Six rupees four annas.	
(*c*) for a certificate under Part X of the Indian Succession Act, 1925, or Bombay Regulation VIII of 1827;	When it exceeds five thousand rupees ...	Twelve rupees eight annas.	XXXIX of 1925.
(*d*) for opinion or advice or for discharge from a Trust, or for appointment of new Trustees under section 34, 72, 73 or 74 of the Indian Trust Act, 1882;	.....	Twelve rupees eight annas.	II of 1882.
(*e*) for the winding up of a Company, under section 166 of the Indian Companies Act, 1913;	.....	Twelve rupees eight annas.	VII of 1913.
(*f*) under rule 58 of Order XXI of the Code of Civil Procedure, 1908, regarding a claim to attached property	When the amount or value of the property exceeds five hundred rupees.	Twelve rupees eight annas.	V of 1908.
19. Agreement in writing stating a question for the opinion of the Court under the Code of Civil Procedure, 1908.	.....	Twenty-five rupees.	V of 1908.
20. Every petition under the Indian Divorce Act, 1869, except petitions under section 44 of that Act and every memorandum of appeal under section 55 of that Act.	.....	Thirty-seven rupees eight annas.	IV of 1869.
21. Plaint or memorandum of appeal under the [1][Parsi Marriage and Divorce Act, 1936] or the Bombay Hindu Divorce Act, 1947.	.....	Thirty-seven rupees eight annas.	III of 1936 Bom. XXII of 1947.
22. Petitions under the Indian Christian Marriage Act, 1872, section 45 and 48.	.....	Two rupees.	XV of 1872.

Bom. XV of 1943.

13. The Bombay Increase of Court-fees Act, 1943, is hereby repealed. Bom. XV of 1943.

[1] These words and figures were substituted for the words and figures "Parsi Marriage and Divorce Act", 1865, by Bom. 58 of 1954, s. 2, Schedule.